

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EMANUAL SCHMALZ, individually, and on	:	
behalf of all others similarly situated	:	CIVIL ACTION
	:	
v.	:	
	:	No. 08-CV-0857
	:	(consolidated No. 08-CV-1991)
SOVEREIGN BANCORP, INC., et al.	:	

ORDER

AND NOW, this 17th day of April, 2012, upon consideration of the defendants' motion to dismiss (Dkt. # 30) and plaintiffs' response thereto, as well as the numerous supplemental filings by the parties,

IT IS HEREBY ORDERED that defendants' motion to dismiss is GRANTED in part and DENIED in part as follows:

1. Defendants' motion to dismiss is GRANTED as to counts I, II, III, V, and VI.
2. Defendants' motion to dismiss Count IV is GRANTED as to the Director Defendants, the Committee Defendants, and Defendant Knabb.
3. Defendants' motion to dismiss Count IV is DENIED as to defendants Sovereign Bancorp, Inc. and the Retirement Savings Plan Committee.

BY THE COURT:

/s/ J. William Ditter, Jr.
J. WILLIAM DITTER, JR., J.